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FORMALITIES LETTER



OC090000005077449

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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09/512,620

02/25/2000

Harlan Sexton

50277-403

McDermott Will & Emery
600 13th Street NW
Washington, DC 20005-3096



R E C E I V E D
MAY 01 2000
MW&E

Date Mailed: 04/26/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 820.**

The following item(s) appear to have been omitted from the application:

- Figure(s) 1 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within TWO MONTHS of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within TWO MONTHS of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) r (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of

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130.00 CH	

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deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

SECTOR 5

Docket No.: 50277-403



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Harlan SEXTON, et al. :
Serial No.: 09/512,620 : Group Art Unit: 2755
Filed: February 25, 2000 : Examiner:
For: USING A VIRTUAL MACHINE INSTANCE AS THE BASIC UNIT OF USER EXECUTION IN A SERVER ENVIRONMENT

PETITION AND RESPONSE TO NOTICE OF MISSING PARTS OF APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice of Missing Parts of Application dated April 26, 2000, submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration (which is in compliance with 37 CFR 1.63)
2. Statutory Basic filing fee of \$690.00
3. Late Filing Fee Surcharge of \$130.00
4. Assignment

The Notice of Missing Parts of Application indicates Figure 1 was omitted from the application as filed. Submitted herewith is a copy of the PTO post card, which evidences this application was filed with 3 Formal Drawings, inclusive of Figure 1. Also enclosed is a copy of

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the drawings as filed. Since all figures were filed with the application as filed, it is believed that no petition fee is due for this application and the petition fee should be refunded.

Please charge Deposit Account No. 150635 in the amount of \$820.00. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including petition or extension of time fees, to Deposit Account 150635 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY


Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 SCC:dtb
Date: June 26, 2000
Facsimile: (202) 756-8087

Applicant: Hailan Sexton et al. Docket No. 50277-403
Title/Mark: USING A VIRTUAL MACHINE Serial/Reg./Patent No. NOT yet assigned

Date Sent: 12/5/20 Hand Carried 1st-Class Mail Cert. of Mailing Express Mail No. _____

Transmittal Letter

Utility/Design/Continuation/CIP/FWC/Divisional/PCT

Other:

22 pages of Specification

5 pages of Claims

1 pages of Abstract

3 pages of Formal/Informal Drawings

Information Disclosure Statement

Form PTO 1449

2 copies of cited references

Preliminary Amendment

Response to Missing Parts Notice

Certified Copy of Priority Doc.

Claim for Convention Priority

Verified Statement of Small Entity Status

Transmittal of Issue Fee: Form PTO 856 02/25/00 C. _____

Maintenance Fee for _____ years after grant

Notice of Appeal Appeal Brief

Recordation of _____ Patent _____ Trademark: Assignments/Security Agreements/

Response/Amendment to Office Action of _____ Petition to Commissioner for _____

Other: _____

jc598 U.S. PTO
09/512620

Trademark/Service Mark/Intent-To-Use Application

Amendment to Allege Use Statement of Use

Formal/Informal/Substitute Drawing Sheet
(no. of) Substitute/Specimens

Continued Use Affidavit/Declaration (Section 8 & 15)

Notice of Opposition/Answer to _____

Ex Parte Appeal

Petition for Cancellation/ Answer to _____

Renewal of Reg. No. _____

Combined Declaration/Power of Attorney

Letter of Protest

Request for _____-day/month Extension of Time

EARLY SERIAL#17

Check for \$ _____ Total Deposit Account charge for \$ _____ O Attorney: SCL 4248 / MU

CHI WASH

CLO2 Descrip.: O

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREBY AS EVIDENCE OF RECEIPT. I ACKNOWLEDGE THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.